

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WISCONSIN

WNS HOLDINGS, LLC, INTELLIGENT
TECHNOLOGIES INTERNATIONAL, INC.,
and MARK ALAN EBERWINE,

Plaintiffs,

Case No. 08-C-275-C

v.

UNITED PARCEL SERVICE, INC.,

Defendant.

[PROPOSED] ORDER

Having considered the parties Joint Motion to Dismiss, and good cause appearing therefore, it is ORDERED that:

- 1) Plaintiffs' Second Amended Complaint, Count I: Plaintiff WNS Holdings, LLC's claims for infringement of claims 1, 6 and 8 of the '194 patent are dismissed without prejudice.
- 2) Plaintiffs' Second Amended Complaint, Count III: Plaintiff Mark Alan Eberwine's claims for infringement of the '052 patent are dismissed without prejudice.
- 3) Plaintiffs' Second Amended Complaint, Count IV: Plaintiff Intelligent Technologies International, Inc.'s claims for infringement of the '132 patent are dismissed without prejudice.

- 4) Plaintiffs' Second Amended Complaint, Count V: Plaintiff Intelligent Technologies International, Inc.'s claims for infringement of the '925 patent are dismissed without prejudice.
- 5) Defendant's Answer, Defenses and Counterclaims, Claim I: That United Parcel Service, Inc.'s counterclaim for a declaratory judgment of non-infringement be dismissed without prejudice with respect to claims 1-6 and 8-20 of the '194 patent, and be further dismissed without prejudice with respect to all claims of U.S. Patent Nos. 5,392,052, 6,405,132 and 7,295,925.
- 6) Defendant's Answer, Defenses and Counterclaims, Claim II: That UPS's counterclaim for a declaratory judgment of invalidity be dismissed without prejudice with respect to claims 1-6 and 8-20 of the '194 patent, and be further dismissed without prejudice with respect to all claims of U.S. Patent Nos. 5,392,052, 6,405,132 and 7,295,925.

This 12th day of March, 2009.

Barbara B. Crabb
Barbara B. Crabb
U.S. District Court Judge